IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Bail Appl..No. 7040 of 2006()

CRIME NO. 275/2003 of PANDALAM POLICE STATION

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PETITIONER

S.BABU, SON OF LATE SUKUMARAN,
KAILASH BHAVAN, AVANAKUZHI,
MARUTHANCODE, THANNIMMOODU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.7040 of 2006

DATED: December 12, 2006

O R D E R

Petitioner who is the 5th accused in Crime No.275/2003 of Pandalam Police Station for offences punishable under Secs. 8(1) and 8(2) of the Abkari Act for allegedly entrusting 770 liters of spirit to accused Nos. 1 to 4 on 17-8-2003, seeks anticipatory bail. Consequent on the non-appearance of the petitioner before the committal court namely, J.F.C.M., Adoor where the case is pending as C.P. 57/06, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. It is for the petitioner to seek regular bail after surrendering before the concerned Magistrate's Court. Accordingly, if the petitioner surrenders before the magistrate court and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is dismissed.

V.RAMKUMAR,
JUDGE.

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